

RESPONSE TO OFFICE ACTION MAILED 9/12/2003

EXTENSION OF TIME

I hereby request a two-month extension of time beyond the three-month deadline for response to the Office Action mailed September 12, 2003. The fee of \$210.00 for a small entity is enclosed.

REMARKS

In the Office Action, claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Kadlic and further in view of Lo (patent # 5,863,042). I respectfully disagree with this conclusion. Reconsideration of the application under my arguments below is respectfully requested.

Regarding claims 1, 2 & 4-20

Webb:

Each of the following steps of the teaching of Webb the Examiner cited in this Office Action will be compared to each of the similar steps of the teaching of my invention accordingly; and said steps will be discussed and argued below:

1. A card game with a plurality of players (see abstract);

Webb, all card games invented before and after the card game of Webb, and my present invention all teach a card game with a plurality of players. This common teaching is one of the steps of a method of playing any given card game, which apparently does not make any two of said games considerably identical.

2. Providing and shuffling at least one standard poker deck of cards and at least one joker (see abstract);

Webb teaches providing and shuffling at least one standard poker deck of cards and one wild card (e.g., a joker, a promotional card or an implicit card) (see claim 1); each player and the dealer each always receives six cards and one joker, totaling seven cards (see abstract).

My present invention teaches providing and shuffling at least one standard poker deck of cards and at least one but preferably two jokers; every player and the dealer each receives six cards, among them some player's cards and/or the dealer's cards might contain one or more jokers while the rest of the players' cards and/or the dealer's cards might contain no joker (see abstract).

When a player receives one or more jokers, the player generally have an advantage over his or her opponent; thus the player would feel excited when the player receives one or more jokers.

In Webb's teaching, a player will not feel excited when the player receives a joker, because the player knows that he or she and the dealer always receives the community joker in any given round of play. On the contrary, in my present invention a player would feel very excited when the player receives one or more jokers, because the player knows that his or her opponent will have little or no chances of getting one or more jokers.

3. Each player placing at least one bet (see abstract and claim 2);

Webb teaches that each player may place a Double Hand wager betting that the player's 2-card Low hand and 5-card High hand rank higher than the dealer's respective 2-card Low hand and 5-card High hand (col. 2, lines 21-29), and an optional Copy Hand wager betting that the player and the dealer have a copy Low hand and/or a copy High hand (col. 2, lines 37-44).

My present invention teaches that each player may place a Poker wager betting that the player's best 5-card ranks higher than the dealer's best 5-card poker hand, and/or at least one side wager betting that the player's best 5-card poker hand is one of the predetermined winning hands designed for said side wager (see abstract).

Apparently, Webb fails to disclose the identical number and identical kinds of bets as my present invention discloses.

4. Dealing six card hands to player and dealer (claim 1);

Webb teaches that each player and the dealer is each dealt six cards and one joker or a wild indicia, totaling seven cards; every player and the dealer each then forms five-card High hand and two-card Low hand from said seven cards (see abstract).

My present invention teaches that each player and the dealer is each dealt six cards only; and each player and the dealer each selects and keeps the best 5-card poker hand and discards one card (see abstract).

In this step, the teaching of Webb and the teaching of my present invention obviously vary substantially.

5. Resolving games and wagers (claims 16 & 17).

Webb teaches that to win a Double Hand wager, both of a player's High and Low hands must rank higher than both of the dealer's respective High and Low hands; if the player wins one hand and loses the other, then the player's Double Hand wager is a push; and if both of the player's High and Low hands rank lower than both of the dealer's High and Low hands respectively, the player's wager loses (col. 4, lines 49-56); moreover, the rules of Copy Hands are taken into consideration in resolving said game, complicating the game (col. 4, lines 59-64). Webb also teaches that to win a Copy Hand wager, the High hand, Low hand, or both of the player's High and Low hands must rank the same as the High hand, Low hand, or both of the dealer's High and Low hands respectively (col. 5, lines 17-24); and a winning Copy Hand wager is paid according to a predetermined Copy Hand pay table, and the winning hands are listed as follows (col. 5, lines 44-49):

1. Wild Low Copy
2. Semi Wild Low Copy
3. Natural Low Copy
4. Wild High Copy
5. Semi Wild High Copy
6. Natural High Copy
7. Any Double Copy

In my present invention, a player's Poker wager wins if a Player's best 5-card poker hand (selected from the player's six dealt cards) ranks higher than the dealer's best 5-card poker hand (selected from the dealer's six dealt cards); it is a push if the Player's best 5-card poker hand ranks the same as the dealer's; and it loses if the Player's best 5-card poker hand ranks lower than the dealer's; and the Player's winning Poker wager is paid according to one of four sets of rules, whichever is selected for the game (paragraphs 28-33). Each of the side wagers is resolved as that if a player's best 5-card poker hand is one of the predetermined winning hands, the player wins and is paid according to a predetermined pay table designed for the side bet, and the winning hands of one of the typical side bets are listed as follows (paragraphs 34-41):

1. 3 of a Kind
2. Straight
3. Flush
4. Full House
5. 4 of a Kind
6. Straight Flush
7. 5 of a Kind
8. Royal Flush

Comparing the five steps of the teachings of Webb and my present invention, many differences can be found between them, particular in the number of jokers and how a joker is used, the number and kinds of bets, the number of cards each player receives, how the cards are set, the ways games and wagers are resolved. Because of said differences a number of differences in odds, ranking hands, payoffs amount, and house advantage of two said teachings are resulted.

Furthermore, the teaching of Webb requires skill and costs an inordinate amount of time to set a hand in an optimal way, in other words, in order to maximize a player's expected return, each player needs a player optimal strategy to set each player's hand, and in order to maximize a dealer's expected return the dealer needs a dealer optimal strategy called House Way to set the dealer's hand; a game that requires skill would intimidate new players from trying it and make it difficult for dealers to manage the game. While my present invention is a game of chance and requires no skill, every player, novice or experienced, is an expert of the game; it is easy to learn and fun to play; and it is also very easy for dealers to manage it.

Accordingly my present invention, as now claimed, is neither shown nor suggested by Webb.

Kadlic discloses the game American Canasta. His game teaches cards being discarded.

Kadlic teaches that each player selects which of the initial seven cards to hold and which to discard, and replacement card(s) from the original 106-card deck are drawn for the card(s) which have been discarded (see abstract); and the replacement card or cards are more likely to improve a player's hand than to worsen it. While my present invention teaches each player selects and keeps his or her best 5-card poker hand and discards one card from his or her six dealt cards, and no replacement card is drawn (see abstract); this teaching expedites the game play; and it neither improve nor worsen a player's hand. .

Obviously, Kadlic discloses a draw poker game, while my present invention discloses a stud poker game. Accordingly, they are two patentably distinct games.

Lo discloses Card Game. His game teaches the limitation that both Webb and Kadlic fail to teach, i.e., wager being placed on specified bets.

Lo (patent # 5,863,042) is one of my prior patents. It teaches steps of a method of playing a card game, which are different from my present invention in the following ways:

1. Lo teaches providing and shuffling at least one of standard poker deck of cards (see abstract); while my present invention teaches providing and shuffling at least one of standard poker deck of cards plus at least one but preferably two jokers (see abstract).
2. Lo teaches each player placing a primary wager betting that the player's two-card Low hand and three-card High ranking higher than both of the dealer's respective two-card Low hand and three-card High hand, and/or one or more secondary wagers betting on the contents of the player's own hand; the rankings and the contents of hands are based on the combination of some poker rankings and baccarat rankings (col. 1 lines 36-38, 43-48 & 63-64). While my present invention teaches each player placing a Poker wager (primary wager) betting that the player's best 5-card poker hand ranks higher than the dealer's best 5-card poker hand, and/or one or more side wagers (secondary wager) betting on the contents of the player's own hand (see abstract); the rankings and the contents of hands are entirely based on traditional poker rankings (see paragraph 28); hence, the rankings and the contents of hands of my present invention are largely different from Lo.
3. Lo teaches dealing five cards to each player and the dealer, and then each player and the dealer each arranges the cards into two hands, two-card Low hand and three-card High hand (col. 1, lines 43-48). While my present invention teaches each player and the dealer each receives six cards, and then each player and the dealer each selects and keeps his or her best 5-card poker hand and discards one card (see abstract).
4. Lo teaches that a player's primary wager wins if both of the player's Low and High hands rank higher than both of the dealer's respective Low and High hands according to the rankings listed below, it is a push if the player wins one hand and loses the other, and it loses if both of the player's Low and High hands rank lower than both of the dealer's respective Low and High hands (col. 3, lines 37-56) or if the player has a foul hand wherein the player's Low hand ranks higher than the player's High hand; furthermore, in this

teaching, in order to maximize a player's expected return, each player must use a player optimal strategy to set each player's hand, and in order to maximize a dealer's expected return, the dealer must use a dealer optimal strategy called House Way to set the dealer's hand. And a player's secondary wager wins if the player's 5-card hand is one of predetermined winning hands which mainly consist of One Pair, Two Pair, 3 of a Kind, Full House and 4 of a Kind (col. 5 lines 65-67); the ranking hands of Lo are ranked in the following order, from high to low (col. 4, lines 30-60):

1. 3 of a Kind
2. One Pair
3. Point Value 9
4. Point Value 8
5. Point Value 7
6. Point Value 6
7. Point Value 5
8. Point Value 4
9. Point Value 3
10. Point Value 2
11. Point Value 1
12. Point Value 0

While my present invention discloses that a player's Poker (primary) wager wins if the player's best 5-card poker hand ranks higher than the dealer's best 5-card poker hand, it is a push if the player's best 5-card poker hand ranks the same as the dealer's, and it loses if the player's best 5-card poker hand ranks lower than the dealer's; and the Player's winning Poker wager is paid according to one of four sets of rules, whichever is selected for the game (paragraphs 28-33). A player's side (secondary) wager wins if the player's 5-card hand is one of predetermined winning hands which mainly consist Two Pair, 3 of a Kind, Straight, Flush, Full House, 4 of a Kind, Straight Flush, 5 of a Kind and Royal Flush, and the winning wager is paid according to the predetermined pay table designed for said side wager (paragraphs 34-41); the ranking hands of the present invention are ranked in the following order, from high to low:

1. Royal Flush
2. 5 of a Kind
3. Straight Flush
4. 4 of a kind
5. Full House
6. Flush
7. Straight
8. 3 of a Kind
9. Two Pair
10. One Pair
11. High Card

Lo teaches the rules of foul hands while my present invention does not; the teaching of setting hands according to a play optimal strategy or How Way of Lo would cost more time than the teaching of setting hands of my present invention, which requires no play optimal strategy and

no How Way; the ways to resolve a player's poker wager, the typical winning hands of a side wager, and the rankings of Lo and my present invention are obviously different. Therefore, the odds, the payoff amount, and house advantage of Lo and my present invention are different from each other. Accordingly my present invention, as now claimed, is neither shown nor suggested by Lo.

Regarding claim 3 & 21

Webb teaches the use of a standard deck of 52 cards plus one Wild Indicia, which could be a joker (see Abstract and col. 3, lines 41-43).

Generally, the purpose of including one or more Jokers to a game is to enhance a player's excitement. Webb teaches the use of a joker or a Wild Indicia as a community Wild Card, which is shared by each player and the dealer at the same time (see abstract); for this reason, a player would get little or no excitement when the player receive a joker. While my present invention teaches the use of a standard deck of 52 cards plus at least one but preferably two jokers (see abstract); because each joker is not a community Wild Card, a player would feel very excited when the player receives one or more jokers, knowing that the opponent has little or no chances of receiving one or more jokers. It is obvious that Webb fails to teach the identical numbers of jokers, the same kind and same function of each joker which is disclosed in my present invention.

CONCLUSION

The objective of my present invention is to give players a longer and more enjoyable gaming experience while giving casinos a fair return on investment; thus, my present invention is designed to be that decisions are minimal, pace is fast and atmosphere social. It is novel and clearly defined over the prior art of Webb, Kadlic and Lo, and is not a merely obvious combination of elements from them. I believe that the foregoing arguments shall reasonably overcome the claim rejections under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Kadlic and further in view of Lo in this Office Action. I cordially invite the Examiner to contact me for a telephone interview regarding this case.

Respectfully submitted,



Henry Tien Lo, Applicant

Date: February 12, 2004